



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-56-23 LaShawn Albarado, Et al

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: October 11, 2023.

CERTIFICATE OF SERVICE

This is to certify that on December 20, 2023, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature of Barbara J. Stone is shown in black ink. The signature is fluid and cursive, with the name "Barbara J. Stone" clearly legible.

Barbara J Stone
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioners: Lashawn Albarado, Et al

Appeal No.: V-56-23

Subject Property: Parcel 120, Map 37, Grid C4, being 13500 Woodedge Drive, Bowie, Prince George's County, Maryland

Heard and Decided: October 11, 2023

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Carl Isler, Acting Vice Chair
Teia Hill, Member

Board Member Absent: Renee Alston, Member
Anastasia T. Johnson, Member

RESOLUTION

This appeal is brought before the Board of Appeals, sitting as the Board of Zoning Appeals for the Maryland-Washington Regional District in Prince George's County, Maryland (the "Board"), requesting variances from the strict application of the provisions of Subtitle 27 of the Prince George's County Code (the "Zoning Ordinance").

In this appeal, a proceeding pursuant to Section 27-4202(c) which prescribes that each lot shall have a minimum net lot area of 20,000 square feet. Section 27-4202(c)(1) prescribes that no more than 25% of the net lot area shall be covered by buildings and off-street parking. Section 27-5203(1)(A) prescribes that no accessory structure shall be located in a required front yard or corner lot side yard. Section 27-6600 prescribes that fences shall comply with the height standards set in Table 27-6603(a): Fence on lots consisting of one (1) acre or less, fences in the front yard shall not be more than four (4) feet high without the approval of a Security Exemption review. Petitioners propose to validate existing conditions (net lot area, net lot coverage, accessory building, fence over 4 feet in height along Highbridge Road) and obtain a building permit for the proposed recreation room. Variances of 2,156 square feet net lot area, 13% net lot coverage, waiver of the rear yard location requirement for an accessory building (shed in front of the house) and Security Exemption review for a 6' fence over the allowable height located in the front yard (abutting Highbridge Road) are requested.

Evidence Presented

The following testimony and record evidence were considered by the Board:

1. The property description was confirmed under recorded Deed, Book 47683, Page 392, dated April 2022, contains 17,844 square feet, is zoned RR (Residential, Rural) and is improved with a single-family dwelling, driveway, half circle driveway, garage, fence, and wood deck. Exhibit (Exhs.) 2, 4, 7, 8, and 9 (A) thru (F).

2. The subject property is a corner lot and has a unique rectangular shape. The legal front yard is facing Highbridge Road although the orientation of the dwelling is facing the side street being Woodedge Drive. The half circle driveway has two access points on Woodedge Drive. This property is not located within the City Limits of Bowie. Exhs. 2, 4, 7, 8, and 9 (A) thru (F).

3. Petitioners propose to validate existing conditions (net lot area, net lot coverage, accessory building, fence over 4 feet in height along Highbridge Road) and obtain a building permit for the proposed recreation room. Variances of 2,156 square feet net lot area, 13% net lot coverage, waiver of the rear yard

location requirement for an accessory building (shed in front of the house) and Security Exemption review for a 6' fence over the allowable height located in the front yard (abutting Highbridge Road) are requested. Exhs. 2, 4, 7, 8, and 9 (A) thru (F).

4. Petitioner Lashawn Albarado testified that she would like to build a small multi-purpose recreational room so that they can have a common area. She further explained that she takes care of her elderly mother. The purchase date of the home was in April 2022, and the dining room will be turned into her mother's bedroom. They will no longer have a dining room and felt it necessary for her family to have a dining room and a recreational room where the family can gather for full enjoyment of their dwelling. The Petitioners wish to bifurcate the dwelling so that her mother will mostly be on the right side of the house and Ms. Albarado and her husband will be on the left side of the house to maintain the privacy and independence of her mother. They did build a handicapped ramp on the right side of the house for her mother for future use as she does have some mobility issues climbing stairs. There is currently a patio where the proposed addition will be located. Exhs. 2, 3, 4, and 5 (A) thru (F)

5. Petitioner further noted that the 6-foot fence was existing when they purchased the property. The is definitely need as there is a lot of wildlife in the area that pose significant threats in the area. They had foxes, raccoons living in the attic that caused damage to the property. They also have deer and full bucks (wildlife) that are of great concern for causing further damage. The fence is very necessary. The shed was also existing when they purchased the property. Exhs. 2, 3, 4, and 5 (A) thru (F)

6. Mr. Isler questioned Administrator Stone as to where the variance is needed for the fence. Administrator Stone responded that the fence located along Highbridge Road, which is legally considered the front yard. Being a corner lot, Highbridge Road being the shorter of the two frontages is considered the legal front. Exh. 2.

7. Petitioner Albarado further testified that with that clarification of the front yard, she now understands why the variance and the Security Exemption is needed for both the shed and the fence, respectively. Again, with family gatherings and children playing in the yard, and Highbridge Road being such a busy road, they definitely need to keep the fence for safety purposes. Exhs. 2, 3, 4, and 5 (A) thru (F)

8. Ms. Hill questioned the age of the home. Petitioner noted the house was built in 1963. Exh. 7.

Applicable Code Section and Authority

The Board is authorized to grant the requested variances if it finds that the following provisions of Section 27-3613(d) of the Prince George's County Zoning Ordinance are satisfied:

(d) General Variance Decision Standards

A variance may only be granted when the review board or official, as appropriate, finds that:

- (1) A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);
- (2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property.
- (3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions.
- (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property.
- (5) Such variance will not substantially impair the use and enjoyment of adjacent properties; and

(6) A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

Findings of the Board

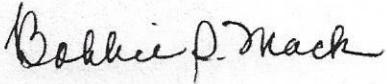
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances comply with the applicable standards set forth in Section 27-3613(d), more specifically:

Due to the existing conditions of the property being on a corner lot and having a unique rectangular shape, the need for additional living space for a parent who has mobility issues and also seeks a semi-private and independent living condition, the safety of children playing in the yard next to a high traffic road, to keep wildlife from entering the property and the character of the neighborhood, granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or Master Plan, and denying the request would result in a peculiar and unusual practical difficulty upon the owners of the property. Additionally, testimony indicates that the granting of these variances and Security Exemption will not substantially impair the use and enjoyment of the adjacent properties. Furthermore, the practical difficulty was not self-inflicted.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Alston and Ms. Johnson absent, that variances of 2,156 square feet net lot area, 13% net lot coverage, waiver of the rear yard location requirement for an accessory building (shed in front of the house) and Security Exemption review for a 6' fence over the allowable height located in the front yard (abutting Highbridge Road) in order validate existing conditions (net lot area, net lot coverage, accessory building, fence over 4 feet in height along Highbridge Road) and obtain a building permit for the proposed recreation room on the property located at 13500 Woodedge Drive, Bowie, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2, and approved elevation plan, Exhibit 3.

BOARD OF ZONING APPEALS

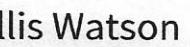
By:



Bobbie S. Mack, Chairperson

Approved for Legal Sufficiency

By:



Ellis Watson, Esq.

NOTICE

Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

Further, Section 27-3613(c)(10)(B) of the Prince George's County Code states:

A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.

Signature: Ellis F. Watson
Ellis F. Watson (Dec 20, 2023 13:36 EST)

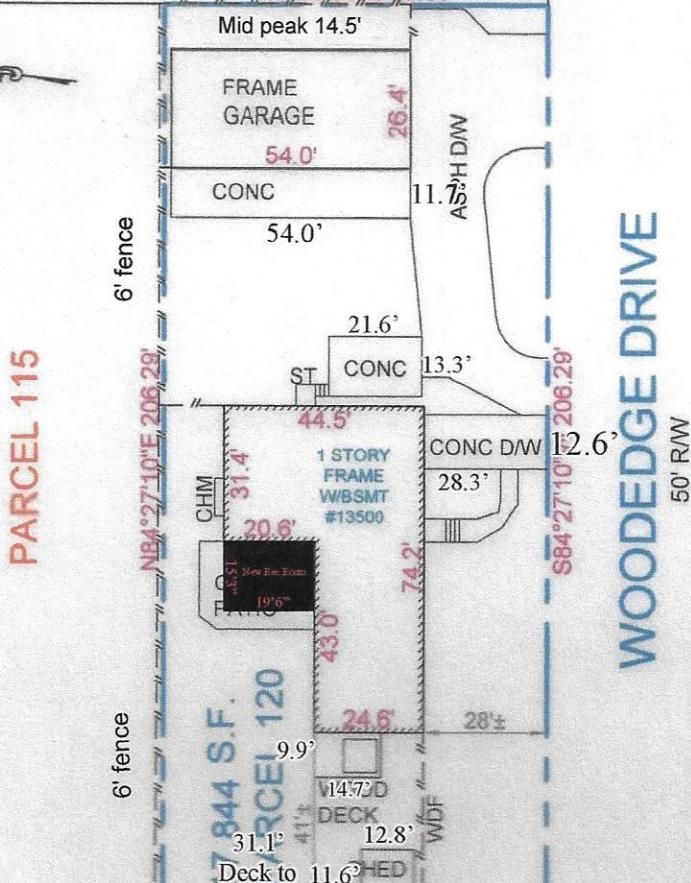
Email: efwatson@co.pg.md.us

LOCATION DRAWING

ADDRESS: 13500 WOODEDGE DRIVE

PARCEL 116

S5°32'50"E 86.50'



NOTES:

1. THIS LOCATION DRAWING IS OF BENEFIT TO A CONSUMER ONLY IN SO FAR AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING.
2. THIS LOCATION DRAWING IS NOT TO BE RELIED UPON FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING.
3. LEVEL OF ACCURACY IS 1/8".

DRAWN BY: BF

BOARD OF APPEALS

APPROVED OCT 11 2023

John Doe
John Doe
ADMINISTRATOR

LAND PRO ASSOCIATES, LLC.

8843 GREENBELT ROAD SUITE 334

LANHAM, MD 20770

PHONE 301-388-1944

FAX 301-794-8751

LANDPRO@MAIL.COM

LOCATION DRAWING

PARCEL 120 DISTRICT 14

BOOK 47683 PAGE 392

PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1" = 40'

DATE: 6/24/2022



PROFESSIONAL SEAL

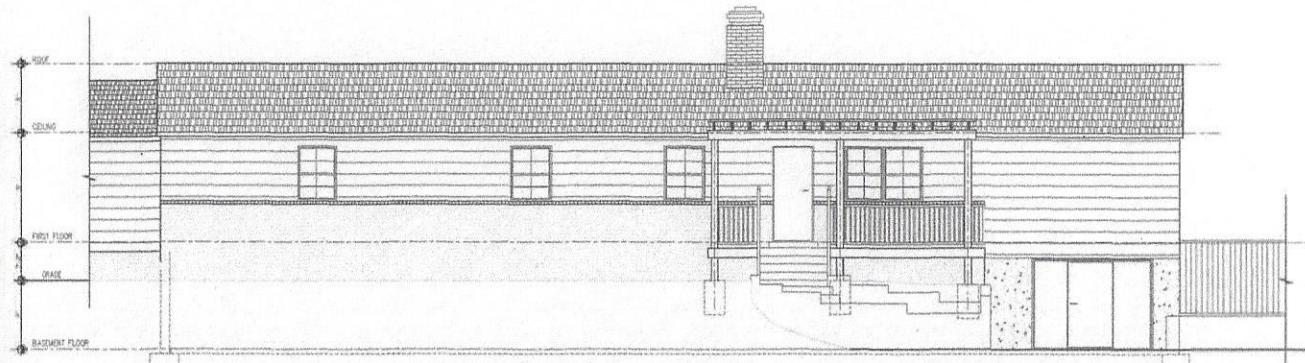
EXH. # 2
V-56-23

8/27/22

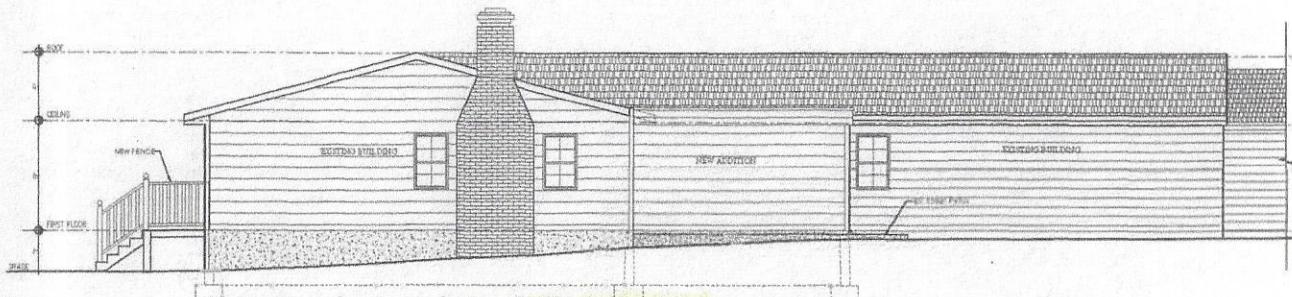
DATE

FILE: #13500 WOODEDGE DRIVE

CASE: # 0



PROPOSED FRONT ELEVATION
SCALE 1/4"=1'-0"



PROPOSED REAR ELEVATION
SCALE 1/4"=1'-0"

BOARD OF APPEALS

APPROVED OCT 11 2023

B. J. Stoe
ADMINISTRATOR



PROPOSED RIGHT SIDE ELEVATION
SCALE 1/4"=1'-0"

ALTERATION DESIGN FOR ALBARADO'S RESIDENCE

1360 WOODSEDE DRIVE, BONNE, MD 20703

PROPOSED FRONT, REAR AND SIDE ELEVATION

REVISIONS DATE
TENANT LASHAWN ALBARADO 391-379-2101
CHECKED GT
DESIGNED GT
DRAFTED GT
DATE NOV 23, 2022
SCALE AS NOTED
DRAWING A-07
SHEET NO. 08 OF 16

EXH.# 3
V-56-23